

REMARKS

Attached is a Petition for Extension of Time for a three-month time extension.

Also attached hereto are an Excess Claims Fee Letter and fee for two excess independent claims and four excess total claims.

It is noted that the claim amendments herein are intended solely to more particularly point out the present invention for the Examiner, and not for distinguishing over the prior art or the statutory requirements directed to patentability.

It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1-24 are all of the claims presently pending in the application. New claims 21-24 have been added.

The Examiner objected to claims 1-14 for the terminology "information". Although Applicants believe that one of ordinary skill in the art would readily understand the original claim language, Applicants have amended these claims to use the term "message packet" and believes that this term addresses the Examiner's concerns. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this objection.

Claims 15-19 stand rejected under 35 USC §112, second paragraph, as being indefinite for use of the term "information". Although Applicants do not agree with the Examiner's conclusion that this terminology is indefinite, Applicants have changed this terminology to "message packet" in order to expedite prosecution and believe the claim amendments above

address the Examiner's concern and respectfully request that the Examiner reconsider and withdraw this rejection.

Claim 20 stands rejected under 35 USC §101 as addressing non-statutory subject matter. Although Applicants disagree with the Examiner's conclusion, the claim language has been amended above to more clearly reflect functional language of a computer environment and respectfully request that the Examiner reconsider and withdraw this rejection.

Claims 1-20 stand rejected under 35 USC §103 as unpatentable over US Patent 6,618,594 to Myers et al., further in view of Willassen: "Positioning a Mobile Station".

This prior art rejection is respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and claimed in, for example, independent claim 1, is directed to an information transmission method, whereby a message packet from a source terminal, the source terminal being one of multiple terminals, is relayed and forwarded by another terminal, including calculating an information progress vector that represents the progress of the message packet. A terminal progress vector that represents the travel performed by a specific terminal among the multiple terminals is calculated. The cosine ($\cos\theta$) of the angle θ formed by the information progress vector and the terminal progress vector is calculated. It is determined whether $\cos\theta$ is equal to or greater than a predetermined value. If the decision of the determination is false, then the message packet is not forwarded by the specific terminal.

The conventional distribution methods described beginning on page 2 of the specification are not based on calculation of a first vector representing a distribution direction of the message packet away from the source terminal or a second vector representing the direction of motion of the receiving terminal, let alone the consideration of both these two vectors for purpose of deciding whether the received message packet should be forwarded.

In contrast, the present invention provides a simple logic for determining whether a receiving terminal should forward a received message packet by re-transmitting it.

II. THE PRIOR ART REJECTION

The Examiner alleges that Myers, further in view of Willassen, renders obvious the present invention defined by claims 1-20. However, Applicants submit that even the independent claims define at least one feature that is not present in either Myers or Willassen.

Specifically, the Examiner considers that Myers, at lines 57-67 of column 2, in cooperation with figure 1, elements 12(a-c), 14, 16, 18, and 22, teaches the “progress of information”.

Applicants respectfully disagree.

That is, Applicants submit that one of ordinary skill in the art would readily recognize that the cited description in Meyers is merely a method of locating a mobile user terminal by calculating a vector representing that mobile user terminal's location. Applicants submit that this is an entirely different concept from that of calculating a vector that defines a direction that a message packet is moving outward from a source terminal.

That is, by taking the position of the source terminal from a received message packet and knowing its own position, a receiving terminal is able to calculate a vector that represents the direction that the message packet is traveling. At most, Meyers is merely a method of allowing the current position of a mobile to be calculated as a vector. There is no teaching or suggestion in Meyers to include information in the message packets concerning the position of the source terminal, let alone calculating a vector representing the direction that the message packet is traveling, relative to the source terminal.

The Examiner relies upon Willassen as demonstrating transitioning of a mobile station, but, even assuming that Willassen is properly combinable with Myers, the secondary reference Willassen does not overcome the basic deficiency of Myers described above.

Hence, turning to the clear language of the claims, in Myers there is no teaching or suggestion of: "...calculating an information progress vector that represents a progress of said message packet ...", as required by claim 1. The remaining independent claims have similar language.

For at least the reason stated above, Applicants respectfully submit that Myers, even if combined with Willassen, fails to teach or suggest every feature of the independent claims.

Therefore, the Examiner is respectfully requested to withdraw the rejection currently of record for claims 1-20.

Further, new claims 21-24 are patentable for somewhat similar reasons.

09/866,352
JP9-2000-0044
YOR563

III. FORMAL MATTERS AND CONCLUSION

The Examiner objected to the title of the Application. Applicants have amended the title in accordance with Examiner Booker's helpful suggestion and respectfully request that the Examiner reconsider and withdraw this objection.

In view of the foregoing, Applicant submits that claims 1-24, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: _____

1/18/05



Frederick E. Cooperrider
Reg. No. 36,769

McGinn & Gibb, PLLC
Intellectual Property Law
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254